

HOUSE BILL No. 1409

DIGEST OF INTRODUCED BILL

Citations Affected: IC 24-5-13.1.

Synopsis: Unsafe used tires. Defines "unsafe used tire" as a used: (1) passenger tire; or (2) light truck tire; that has one or more specified nonconformities. Prohibits a supplier from: (1) selling or offering to sell an unsafe used tire to a customer in Indiana; or (2) installing or offering to install an unsafe used tire on a motor vehicle. Provides that a person who knowingly violates these provisions is subject to a civil penalty of \$500 for each violation.

Effective: July 1, 2015.

Forestal

January 14, 2015, read first time and referred to Committee on Commerce, Small Business and Economic Development.



First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

HOUSE BILL No. 1409

A BILL FOR AN ACT to amend the Indiana Code concerning trade regulation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 24-5-13.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]:
4 **Chapter 13.1. Used Tire Sales**
5 **Sec. 1. As used in this chapter, "motor vehicle" has the meaning**
6 **set forth in IC 24-5-13-5.**
7 **Sec. 2. As used in this chapter, "nonconformity," with respect**
8 **to a used tire, means any:**
9 (1) **specific or generic condition; or**
10 (2) **combination of conditions;**
11 **that substantially impairs the use or safety of a motor vehicle on**
12 **which the used tire is installed.**
13 **Sec. 3. As used in this chapter, "supplier" means a seller, lessor,**
14 **assignor, or other person that regularly engages in or solicits**
15 **consumer transactions involving the sale or installation of used**



tires in Indiana.

Sec. 4. As used in this chapter, "tire" means an unmounted:

- (1) passenger tire; or
- (2) light truck tire with a load range of C, D, or E.

Sec. 5. As used in this chapter, "unsafe used tire" means a used tire that suffers from at least one (1) of the following nonconformities:

(1) The used tire is worn to a tread depth of two thirty-seconds ($2/32$) of one (1) inch or less on any area of the tread.

(2) The used tire suffers from damage, including:

- (A) cuts;
- (B) cracks;
- (C) punctures;
- (D) scrapes; or
- (E) wear;

that exposes the reinforcing plies of the tire.

(3) The used tire shows evidence of any of the following:

- (A) A repair to the tire in the tread shoulder or belt edge.
- (B) A puncture that has not been both:
 - (i) sealed or patched on the inside; and
 - (ii) plugged with a cured rubber stem through to the outside of the tire.
- (C) A repair to the sidewall or bead area of the tire.
- (D) A repair for a puncture that is greater than one-fourth ($1/4$) of one (1) inch.

(4) The used tire shows evidence of prior use of a temporary sealant without evidence of a subsequent proper repair.

(5) The United States Department of Transportation tire identification number on the sidewall of the used tire has been defaced or removed.

(6) The used tire is a recalled tire the sale of which is prohibited by federal law.

(7) The used tire shows evidence of:

- (A) damage to the inner liner; or
- (B) bead damage.

(8) The used tire shows evidence of internal separation, such as bulges or localized areas of irregular tread wear, indicating possible tread or belt separation.

Sec. 6. As used in this chapter, "used tire" means a tire that:

- (1) is offered for:
 - (A) sale to a customer; or



1 **(B) installation on a motor vehicle for consideration; and**
2 **(2) has been previously used on another motor vehicle before**
3 **the sale or installation.**

4 **Sec. 7. A supplier shall not:**

5 **(1) sell or offer to sell an unsafe used tire to a customer in**
6 **Indiana; or**

7 **(2) install or offer to install an unsafe used tire on a motor**
8 **vehicle.**

9 **Sec. 8. (a) A person who knowingly violates this chapter is**
10 **subject to a civil penalty of five hundred dollars (\$500) for each**
11 **violation.**

12 **(b) The attorney general may bring an action on behalf of the**
13 **state to recover any penalty imposed under subsection (a).**

14 **(c) This section does not limit the rights or remedies that are**
15 **otherwise available under any other applicable law to a person**
16 **aggrieved by a violation of this chapter.**

